Docket No.: G08.150/U

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Patent

OIPE JC105 AUG 17 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: YOUNG et al.

Application Serial No.: 10/737,217

Filing Date: December 15, 2003

For: INTERACTIVE SECURITY RISK MANAGEMEMT

Group Art Unit: 3629

Examiner: Webb, Jamisue A.

RESPONSE TRANSMITTAL

Docket No.: 3499-256
(New BMT Docket No.: G08.150/U)

PTO Customer Number 28062
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 11, 2005.

Dated: July 11, 2005 By: Edith Martin

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are:

1. ☑ Fee as calculated and transmitted as described below
2. ☑ Amendment/Response to Final Office Action mailed 02/11/2005
3. ☑ Petition for 2 Month Extension of Time
4. ☑ Change of Correspondence Address
5. ☑ Additional Enclosures: Acknowledgement Postcard

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Docket No.: G08.150/U

FEE CALCULATION

For	Current	Prev. Paid	No. Extra	Rate	Fee
Total Claims	12	- 18	0	$ 50.00	$ 0.00
Indep. Claims	3	- 6	0	$ 200.00	$ 0.00
Multiple Dependent Claims (add $300.00 if applicable)					$ 0.00
Petition for 2 Month Extension of Time					$ 450.00
OTHER FEE (specify purpose):					$ 0.00
				TOTAL FEE	**$ 450.00**

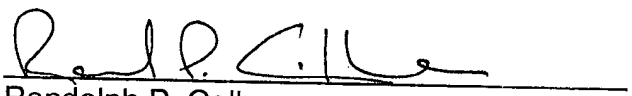
Credit Card Payment Form in the amount of **$450.00** is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1852 as described below. A duplicate copy of this sheet is enclosed.

☑ Credit any overpayment.
☑ Charge any additional fees required under 37 CFR 1.16 and 1.17.

Respectfully submitted,

July 11, 2005
Date



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YOUNG et al.

Application Serial No.: 10/737,217

Filing Date: December 15, 2003

For: INTERACTIVE SECURITY RISK MANAGEMENT

Group Art Unit: 3629

Examiner: Webb, Jamisue A.

AMENDMENT and RESPONSE to February 11, 2005 Final Office Action

Attorney Docket No.: G08.150/U

PTO Customer Number 28062
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New Canaan, CT 06840

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Dated: July 11, 2005 By: Edith Martin

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed February 11, 2005, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

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This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously presented) A computer implemented method for managing security risk, the method comprising:

setting in a computer storage a hierarchical relationship between two or more elements comprising an entity wherein a first element comprises a physical facility and a second element subordinate to the first element comprises a resource located at the physical facility;

receiving into the computer storage on a real time basis an indication of a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource and is received from government agency or a news feed;

receiving digital data into the computer storage from the government agency or news feed; wherein the digital data is descriptive of the security risk;

receiving into the computer storage an indication of a selection of the first or second element; and

transmitting via a computer processor coupled to a communication network apparatus, the data descriptive of the security risk as it relates to the element selected and the other element, based upon the hierarchical relationship of the elements and the indication of the security risk.

2. (Previously presented) The method of claim 1 additionally comprising the steps of generating a list of resources with the element selected and transmitting the list of resources.

3. (Previously presented) The method of claim 1 wherein the first or second element selected comprises a geographic area delineated according to at least one of: a national boundary, and a political boundary.

4. (Original) The method of claim 1 wherein the description of the security risk as it relates to the element selected comprises at least one of: a threat of physical harm to an asset; a threat of misappropriation of an asset; and a threat of physical harm to one or more persons.

5. (Previously presented) The method of claim 1 wherein the description of the security risk as it relates to the element selected comprises misappropriation of information comprising data stored in a computerized information system.

6. (Previously presented) The method of claim 1 additionally comprising the step of transmitting via a computer processor coupled to a communication network, a subjective quantifier descriptive of an amount of harm that could be caused by the security risk.

7. (Previously presented) The method of claim 1 additionally comprising the step of transmitting via a computer process coupled to a communication network, a subjective quantifier descriptive of a time frame during which harm, caused nut he security risk, could be experienced by an associated element.

8. (Original) The method of claim 1 wherein the hierarchical relationship between two or more elements comprises a progressively greater or lesser resolution ranging from a country level resolution to a room level resolution.

9. (Previously presented) The method of claim 1 additionally comprising the step of receiving into the computer storage an image of an element and transmitting via a computer processor coupled to a communication network the image with the description of the security risk as it relates to the element selected.

10. (Previously presented) The method of claim 1 additionally comprising the steps of: color coding elements and associated risks with a computer processor and storing and indication of the coded elements and associated risks in the computer storage, according to at least one of: a degree of risk, a type of risk, a type of element; a value of assets involved and propensity for the risk to grow.

11-14. (Cancelled)

15. (Previously presented) A computerized system for or managing security risk, the system comprising:

a computer server accessible with a system access device via a communications network; and

executable software stored on the server and executable on demand, the software operative with the server to cause the server to:

set a hierarchical relationship in a computer storage between two or more elements comprising an entity wherein a first element comprises a physical facility and a second element subordinate to the first element comprises a resource located at the physical facility;

receive into the computer storage an indication of a security risk associated with one or more of the first or second elements wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource and is received from government agency or a news feed;

receive digital data into the computer memory from the government agency or news feed, wherein the digital data is descriptive of the security risk;

receive into the computer storage an indication of a selection of the first or second element; and

transmit via a computer processor coupled to a communication network, the data descriptive of the security risk as it relates to the element selected, based upon the hierarchical relationship of elements and the indication of the security risk.

16. (Previously presented) Computer executable program code residing on a computer-readable medium, the program code comprising instructions for causing the computer to:

set a hierarchical relationship in a computer storage between two or more elements comprising an entity wherein a first element comprises a physical facility and a second element subordinate to the first element comprises a resource located at the physical facility;

receive into the computer storage on a real time basis an indication of a security risk associated with one or more of the first or second elements wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource and is received from government agency or a news feed;

receive digital data into the computer memory from the government agency or news feed, wherein the digital data is descriptive of the security risk;

receive into the computer storage an indication of a section of the first or second element; and

transmit via a computer processor coupled to a communication network, the data descriptive of the security risk as it relates to the element selected, based upon the hierarchical relationship of elements and the indication of the security risk.

17. (Cancelled)

18. (Cancelled)

REMARKS

Claims 1-10, 15, and 16 are in the application. Claims 1-3, 5-7, 9, 10, 15, and 16 were previously presented; claims 4 and 8 remained unchanged from the original versions thereof; and claims 11-14, 17 and 18 have been cancelled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 112, 1st Paragraph

Claims 1-18 were rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and as currently amended) are enabling. Regarding the rejection under 35 USC 112, 1st paragraph, the Examiner alleges that the claims contain subject matter that was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner asserts that the specification lacks a description of how the claimed system (1) receives information from a government agency or news feed, (2) on a real time basis, and (3) determines the risk for a specific facility or resource.

Applicant respectfully directs the Examiner's attention to paragraph [0040] wherein the Specification discloses "[D]ata that describes one or more security risks for a selected element can be provided by the STM system 102 to the user. Generalized security risk data can be received from a security risk data source, which can include, for example, a government agency, a private investigation firm, public news, news feeds, internal security efforts, law enforcement agency or other source." Applicant respectfully submits that those of ordinary skill in the relevant arts would understand that data and information provided by a governmental agency, new feed, or other data,

content, or service provider may be provided and received according to a number and variety of different communication techniques, protocols and formats by a computer system. Moreover, Applicant does not claim a particular technique, method, or protocol for receiving the indication of a security risk. The claims are commensurate in scope with the Specification. It is not seen why the Examiner requests clarification of such a basic computer-implemented method and system concept. It is well established that computer systems can receive data and information for the purposes of, for example, storage, processing, manipulation, and presenting.

Also, it is commonly understood that receiving information on a real time basis must account for an acquisition and a delivery time required by a service provider (e.g., a government agency or news feed) to prepare the information for delivery. It is common sense and knowledge that a computer system or other entity cannot receive information from a service provider before it is acquired and prepared for delivery by the service provider. Thus, the specification is not ambiguous and is enabling regarding the security information being received on a real time basis.

Further, Applicant points out that the claims are not directed to a process of determining how a government agency or news feed determines a security risk level for a geographical region, city, building, or portion of a building. Suffice to say that there are government agencies equipped and trained to make such determinations. Applicant suggests that the particulars of how, for example, the FBI, CIA, Department of Homeland Security, and other local and regional law enforcement agencies determine a security risk are not currently claimed by Applicant. Accordingly, it is not seen why the Examiner rejects the Specification on such a basis.

Accordingly, Applicant respectfully requests that the rejection under 35 USC 112, 1st paragraph be reconsidered and withdrawn since the Specification is fully enabling for the claims.

Claim Rejections Under 35 USC § 112, 2nd Paragraph

Claims 1-10 were rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and currently amended) are definite and particularly point out and distinctly claim the subject matter Applicant claims as the invention. Applicant notes that the claim language corresponds very closely with the plain language of the Specification.

The Examiner rejects claim 1 on the basis that the phrase "wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource" is indefinite. Here, the Examiner is mistaken in that claim 1 does not state that the subject phrase is only for the second element. To the contrary, the claim clearly recites "a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource". This claim language does not restrict associating the recited risk to only either the first element or the second element. Furthermore, as the remainder of claim 1 and the Specification as a whole makes clear, the two recited elements are related by virtue of the recited hierarchical relationship therebetween. Thus, the relationship between the two recited elements and how they are each handled are fully explained in claim 1 and the Specification. (See paragraph [0040]) Thus, claim 1 is not indefinite.

Claim 2 was cited for being indefinite for failing to specify where the recited list is to be transmitted. The process of generating the list and transmitting the list is claimed in claim 2. The need to recite a destination for the transmission is not seen as necessary to the scope, understanding, or definiteness of the recited "transmitting" of the list.

Regarding claim 3, Applicant specifies that the first element comprising a physical facility or the second element subordinate to the first element is at least one of

physical boundary or a political boundary. Such claim recitations are supported by the Specification at least at paragraphs [0043] and [0044]. Thus, the claim language is consistent with the Specification. The Specification clearly and concisely defines what is referred to by the recited first element and the second element.

For at least the foregoing reasons, Applicant respectfully submits that the Examiner's assertion that the Specification is indefinite is improper and is further overcome by the Specification. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 112, 2nd paragraph.

Claim Rejections Under 35 USC § 103(a)

Claims 1-22 were rejected as being unpatentable over U.S. Patent No. 6,421,653 B1 (hereinafter, May) further in view of Dowd, Beyond Value At Risk: The New Science of Risk Management, 1998 (hereinafter, Dowd). This rejection is respectfully traversed.

Contrary to the Examiner's characterization thereof, Baverina does not appear to set a hierarachical relationship between two or more elements where the first element is a facility and the second element is a resource located within the facility. As made clear by Applicant's claim language, the second element is subordinate to the first element. That is, per the claimed hierarchical relationship between the first and second elements, there is an order to the dependency between the two elements. However, neither the cited and relied upon FIGS. 8 and 15 nor paragraphs [0015], [0078], [0079], and [0110] disclose or suggest a hierarchical relationship between a first and a second element. The cited and relied upon figures merely list locations (e.g., Building 2120) and the names for the buildings (e.g., DLA HQ, etc.). There is no disclosed hierarchical relationship between the listed building locations, and no such hierarchical relationship is suggested or inferred by the disclosed listing.

The Examiner concedes that Baverina fails to disclose information related to a security risk that is real time information and is from a government agency or news feed. Zimmers is cited and relied upon to compensate for the admitted lack of disclosure

provided by Baverina regarding the claims. In particular, Zimmers is cited and relied upon for disclosing real time weather related news feed information.

However, even if the disclosure of Zimmers were somehow combined with Baverina as asserted by the Examiner (not admitted as feasible by Applicant), the alleged combination would still fail to suggest, at least, the claimed hierarchical relationship between the claimed first and second elements. That is, the resulting combination would not render the claims 1, 15, and 16 obvious.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 103(a) for at least the reason that Baverina and Zimmers fail to disclose or suggest the claimed hierarchical first and second elements. Claims 2-10 are believed patentable for at least the reasons presented regarding the patentability of claim 1.

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CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

July 11, 2005
Date

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) G08.150/U
Application Number **10/737,217**	Filed **12/15/2003**
For **INTERACTIVE SECURITY RISK MANAGEMENT**	
Art Unit **3629**	Examiner **Webb, Jamisue A.**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$ 120	$ 60	$
☒ Two months (37 CFR 1.17(a)(2))	$ 450	$ 225	$ 450.00
☐ Three months (37 CFR 1.17(a)(3))	$ 1,020	$ 510	$
☐ Four months (37 CFR 1.17(a)(4))	$ 1,590	$ 795	$
☐ Five months (37 CFR 1.17(a)(5))	$ 2,160	$ 1,080	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1852. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

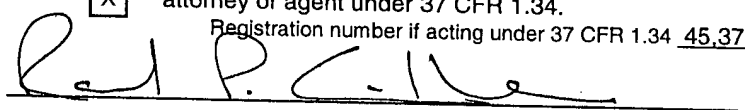
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record. Registration Number _____

☒ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 45,371.



Signature — July 11, 2005 (Date)

Randolph P. Calhoune (Typed or printed name) — (203) 972-5985 (Telephone Number)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Applicant(s): YOUNG et al.	Group Art Unit: 3629
Application No.: 10/737,217	Examiner: Webb, Jamisue A.
Filing Date: December 15, 2003	Docket No.: 3499-256 (New BMT Docket No.: G08.150/U)
Title: INTERACTIVE SECURITY RISK MANAGEMENT	

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Dated: July 11, 2005 By: Edith Martin

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ADDRESS CHANGE

Dear Sir:

Please direct all future correspondence with respect to the above-identified application to:

PTO Customer Number 28062
Kurt M. Maschoff
Buckley, Maschoff & Talwalkar LLC
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New Canaan, CT 06840

Respectfully Submitted,

July 11, 2005
Date

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